

Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 EAE-00 SSO-00 NSCE-00 INRE-00 PM-04

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CINCPACFLT IMMEDIATE

CINCPACREPPHIL SUBIC IMMEDIATE

CG 13TH AF CLARK IMMEDIATE

C O N F I D E N T I A L MANILA 10215

CINCPAC ALSO FOR POLAD

FROM USDEL 116

E.O. 11652: GDS

TAGS: MARR, RP

SUBJECT: PHILIPPINE BASE NEGOTIATIONS: JOINT COMMISSION

1. PRIVATE CONVERSATIONS BETWEEN AMBASSADOR SULLIVAN AND AMBASSADOR ROMUALDEZ REVEAL THAT ARTICLE XXI IN THE PHILIPPINE DRAFT REFLECTS A FUNDAMENTAL GOP DESIRE TO ESTABLISH A SPECIAL JOINT COMMISSION, SEPARATE AND DISTINCT FROM THE MUDUAL DEFENSE BOARD (MDB), TO OVERSEE THE IMPLEMENTATION AND OPERATION OF THE FACILITIES AGREEMENT.

2. WE HAVE NO CONCEPTUAL PROBLEMS WITH THE IDEA OF A JOINT COMMISION BUT FIND THE PHIL DRAFT ARTICLE DEFECTIVE IN ORGANIZATION AND SKIMPY ON OPERATIONAL DETAIL. IT SHOULD BE MADE CLEAR, FOR EXAMPLE, THAT THE JOINT COMMISSION IS, LIKE THE MDB, UNDER THE AEGIS OF THE COUNCIL OF MINISTERS WHICH HAS BEEN CREATED PURSUANT TO THE MUTUAL
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DEFENSE TREATY OF AUGUST 30, 1951. WE ALSO DO NOT RPT NOT BELIEVE

CO-CHAIRMAN OF JOINT COMMISSION SHOULD BE AT MINISTERIAL LEVEL AND WOULD PREFER TO DESIGNATE THEM AS PERMANENT REPRESENTATIVES WITH THE RANK OF AMBASSADOR. (OUR PERMANENT REPRESENTATIVE WOULD BE THE U.S. AMBASSADOR TO THE PHILIPPINES. PELAEZ MIGHT ANGLE FOR THE POSITION ON THE PHILIPPINE SIDE.)

3. THE JOINT COMMISSION WOULD BE SUPPORTED BY SEVERAL WORKING COMMITTEES SOME OF WHICH COULD BE MOVED OVER FROM THE MDG. FOR EXAMPLE, WE WOULD FORESEE MOVING OVER THE MDB COMMITTEES ON ADMINISTRATION, (CRIMINAL JURISDICTION IMPLEMENTATION COMMITTEE WOULD ALSO BE LODGED WITH THE JOINT COMMISSION) METES AND BOUNDS, AND LEGAL AFFAIRS. THERE WOULD ALSO BE A SUPPORTING SECRETARIAT SIMILAR TO THAT ESTABLISHED FOR THE MDB.

4. THE MDB WOULD CONTINUE TO EXIST BUT WOULD CONCENTRATE ON MORE PURELY MILITARY MATTERS, I.E., PLANS INTELLIGENCE, JOINT EXERCISES, ETC. THERE WOULD BE NO ARTICLE ON THE MDB IN THE FACILITIES AGREEMENT SINCE ITS FOUNDATION IS SECURE IN 1958 NOTE WHICH ESTABLISHED IT.

5. REQUEST BY 7:00 A.M. JULY 16, AUTHORITY TO DISCUSS THE CONCEPT FURTHER WITH PHIL PANEL AND TO TABLE DRAFT ARTICLE ALONG THE LINES OF THE FOLLOWING: QUOTE:

"1. UNDER THE AEGIS OF THE COUNCIL OF MINISTERS WHICH HAS BEEN CREATED PURSUANT TO THE MUTUAL DEFENSE TREATY OF AUGUST 30, 1951, THE PHILIPPINES AND THE UNITED STATES SHALL FORM A JOINT COMMISSION TO OVERSEE AND FACILITATE COOPERATION BETWEEN APPROPRIATE PHILIPPINE AND UNITED STATES AUTHORITIES ON ALL MATTERS OF MUTUAL CONCERN PERTAINING TO THIS AGREEMENT INCLUDING THE RESOLUTION OF ISSUES OR PROBLEMS THAT MIGHT ARISE IN CONNECTION WITH ITS IMPLEMENTATION AND OPERATION.

"2. THE JOINT COMMISSION WILL BE COMPOSED OF:
FOR THE PHILIPPINES: A PERMANENT REPRESENTATIVE OF THE COUNCIL OF MINISTERS, WITH THE RANK OF AMBASSADOR.
FOR THE UNITED STATES: A PERMANENT REPRESENTATIVE OF THE COUNCIL OF MINISTERS WITH THE RANK OF AMBASSADOR.

"3. THE FOLLOWING COMMITTEES WILL FUNCTION UNDER THE JOINT COMMISSION:

- (A) ADMINISTRATION COMMITTEE
- (B) METS AND BOUNDS COMMITTEE

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- (C) LEGAL AFFAIRS COMMITTEE
- (D) CRIMINAL JURISDICTION IMPLEMENTATION COMMITTEE

THE JOINT COMMISSION MAY ESTABLISH SUCH OTHER COMMITTEES OR REORGANIZE THE ABOVE COMMITTEE AS MAY BE APPROPRIATE FOR THE DISCHARGE OF ITS RESPONSIBILITIES. THE TERMS OF REFERENCE OF ALL COMMITTEES ARE SUBJECT TO THE APPROVAL OF THE JOINT COMMISSION.

"4. THE JOINT COMMISSION SHALL REPORT TO THE COUNCIL OF MINISTERS ON ITS ACTIVITIES ON A SEMI-ANNUAL BASIS, AND IN ALL CASES

WHEN THE IMPORTANCE OF THE MATTER SO INDICATES. IT WILL MEET AT THE CALL OF EITHER PERMANENT REPRESENTATIVE, BUT IN ANY EVENT REGULAR MEETINGS WILL BE HELD AT LEAST QUARTERLY. ALL MEETINGS OF THE JOINT COMMISSION WILL BE HELD IN EXECUTIVE SESSION. THE RELEASE OF INFORMATION CONCERNING DECISIONS OR ACTIVITIES OF THE JOINT COMMISSION SHALL BE AGREED UPON BY THE PERMANENT REPRESENTATIVES.

"5. THE JOINT COMMISSION SHALL, BY AGREEMENT BETWEEN THE PERMANENT REPRESENTATIVES, DECIDE ON MATTERS WITHIN ITS COMPETENCY AS MAY BE ESTABLISHED BY AGREED POLICIES AND PROCEDURES.

"6. A PERMANENT SECRETARIAT OF THE JOINT COMMISSION, COMPOSED OF SUCH PHILIPPINE AND UNITED STATES PERSONNEL AS MAY BE AGREED UPON BY THE JOINT COMMISSION, WILL PERFORM SUCH SPECIFIC DUTIES AS MAY BE DIRECTED BY THE JOINT COMMISSION. THE PROVISION OF NECESSARY CLERICAL AND ADMINISTRATIVE SUPPORT SHALL BE ARRANGED BY THE JOINT COMMISSION. THE PHILIPPINE GOVERNMENT WILL PROVIDE SUITABLE OFFICES FOR THE JOINT COMMISSION. ALL OTHER EXPENSES WILL BE SHARED JOINTLY.

"7. THE PERMANENT SECRETARIAT OF THE JOINT COMMISSION SHALL BE CHARGED WITH THE DAILY HANDLING OF ROUTINE MATTERS, AND THE PREPARATION OF THOSE MATTERS WHICH MUST BE SUBMITTED TO THE JOINT COMMISSION FOR CONSIDERATION.

"8. THE JOINT COMMISSION AND ITS COMMITTEES WILL BE ASSISTED BY CIVILIAN OFFICIALS OF THE TWO GOVERNMENTS, AND OTHER MILITARY AND CIVILIAN PERSONNEL AS MAY BE NECESSARY FOR THE FULFILLMENT OF THEIR PURPOSES.

"9. THE JOINT COMMISSION WILL HAVE ITS HEADQUARTERS IN MANILA, BUT MAY HOLD MEETINGS IN OTHER PLACES AT THE REQUEST OF EITHER OF THE TWO PERMANENT REPRESENTATIVES, SUCH PLACES TO BE DETERMINED BY MUTUAL AGREEMENT. END QUOTE.

SULLIVAN

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